FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 746/2007
(Smt. Kausalyabai wd/o Pundlik Gote & another VERSUS The State of Maharashtra thro. Secretary, Department of Rural Development & others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Bhamburkar, counsel for the petitioner.
Mr. G.G. Mishra, counsel for R-3 & 4.
Jr. to Mr. A.B. Patil, counsel for R-5.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : DECEMBER 14, 2007.

Heard Mr. Bhamburkar, the learned counsel for the petitioner and Mr. G.G. Mishra, the learned counsel for the respondent nos. 3 and 4.

Following facts are not in dispute:

That, the petitioner is a widow of late Pundlik Tukaram Gote, who was in the employment of the Primary School run by Zilla Parishad, Akola and abandoned his service/failed to join duty with effect from 08.07.1963. The grievance of the petitioner is that her husband was entitled to receive pension as well as pensionary benefits, however, the same are

denied to her, and therefore, the present petition.

Mr. Mishra, the learned counsel for the respondent nos.3 and 4, has contended that the petitioner has approached this Court almost after 40 years. It is not in dispute that the petitioner's husband was alive till the year 1996 i.e. more than 30 years from 08.07.1963. It is, therefore, contended that the present writ petition is hopelessly suffers from delay and laches, and therefore, it may be dismissed on this count.

We have considered the contentions canvassed by the respective counsel. It is expected from the litigant to be vigilant and conscious about their rights and are expected to approach the Court to agitate the cause at earliest. However, for some legitimate reason, even if they could not approach the Court within reasonable time, even then in a given case, the grievance of such litigant may be entertained by the Court. However, in the instant case, in view of the above referred facts, it is apparent that the petitioner is knocking the door of the Court

after more than 40 years, which, according to us, is an unreasonable delay and there is no justification for such inordinate delay.

Consequently, the petition suffers from delay and laches and the same is dismissed.

JUDGE JUDGE

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